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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,761	01/09/2006	Eiji Kamiyama	ABE-034	4340
20374	7590	01/10/2008		
KUBOVCIK & KUBOVCIK SUITE 710 900 17TH STREET NW WASHINGTON, DC 20006			EXAMINER CULBERT, ROBERTS P	
			ART UNIT 1792	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,761

Applicant(s)

KAMIYAMA ET AL.

Examiner

Roberts Culbert

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,8,9,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,8,9,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/15/07 have been fully considered.

Applicant argues that modification of Kub according to the teachings of Otsuka will not result in the etching of the active material layer using an ammonia peroxide mix, but will result only in a first etching down to the etching stop layer using the ammonia peroxide mix.

However, the argument is not persuasive because the first etching reads broadly on an etching of the active layer as recited in the context of the pending claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 3, 8, 9, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,323,108 to Kub et al. in view of JP 03219000 A to Otsuka et al.

Regarding Claim 2, Kub et al. teach (See Figure 1 and related discussion) a manufacturing method of a bonded substrate having its final active layer thickness of 200nm or less comprising etching a surface of an active layer on a support substrate, the active layer being a layer formed over the support substrate by cleaving off a portion of an active layer wafer, to control the thickness of said active layer, the etching being carried out using a solution having an etching effect so as to etch in a range of 1nm to 1 μ m.

Kub et al. do not expressly teach an etching solution comprising ammonia and hydrogen peroxide of pH 9 or higher. Kub et al. teach KOH is used to etch silicon.

However, KOH and a solution of ammonia and hydrogen peroxide are simply well known alternatives for alkaline etching of silicon. For example, Otsuka et al. teach KOH and ammonia-hydrogen peroxide are old alternatives for alkaline silicon etching. It would have been obvious to one of ordinary skill in the art at the time of invention to the alternative etchants for silicon.

It has been held that substitution of one art-recognized equivalent for another is prima facie obvious. See *In re Fout*, 297, 213 USPQ 532 (CCPA 1982).

Regarding the pH of 9 or greater, since pH is a well known result-effective variable in the etching art based on concentration of components, it would have been obvious to one of ordinary skill to optimize. Further, changes in concentrations or other process conditions of an old process do not impart patentability unless the recited changes are critical, i.e., they produce a new and unexpected result. (See MPEP 2144.05) "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. See *In re Geisler*, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997).

Regarding Claim 3, Kub et al. teach a manufacturing method of a bonded substrate in accordance with claim 2, in which an etching rate in said etching process is not greater than 100nm/min.

Regarding Claims 8 and 9, as applied above, Kub et al. teach the method of the invention substantially as claimed, and teach that after the etching process, a thickness of the active layer is measured, (Col. 9, Lines 25-45) but do not expressly teach that based on the obtained measurement

data, the etching process is repeated until the thickness of the active layer across its entire area comes near to a predetermined value of thickness.

However, Kub et al. teach that several layers may be used with intervening substrate layers to allow multiple sequential etch stop etching processes. (Col. 10, Lines 10-25) Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to perform measurement of the layer and repeating based on the measurement as a matter of forming the layer in multiple steps as recited with the desired thickness thus providing process control in the well known manner.

Regarding Claim 14, Kub et al. teach one of following steps is performed on said active layer surface of said bonded substrate before said etching process, said steps including: (1) a step of chemical mechanical polishing process taking advantage of a chemical effect and a mechanical effect at the same time; (2) a step of hydrogen treating process for performing a heat treatment in a reducing atmosphere containing hydrogen; and (3) a step of forming a silicon oxide film over said active layer and then removing said silicon oxide film along with a damaged portion of said active layer, which has been created in said cleaving process.

Regarding Claim 15, Kub et al. teach one of following steps is performed on said active layer surface of said bonded substrate after said etching process, said steps including: (1) a step of chemical mechanical polishing process taking advantage of a chemical effect and a mechanical effect at the same time; (2) a step of hydrogen treating process for performing a heat treatment in a reducing atmosphere containing hydrogen; and (3) a step of forming a silicon oxide film over said active layer and then removing said silicon oxide film along with a damaged portion of said active layer, which has been created in said cleaving process.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberts Culbert whose telephone number is (571) 272-1433. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571) 272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



R. Culbert
Examiner
Art Unit 1792